

United States Bankruptcy Court for the:

District of Massachusetts

Case number (If known): _____ Chapter you are filing under:

- Chapter 7
- Chapter 11
- Chapter 12
- Chapter 13

 Check if this is an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name

NESV Hotel, LLC

2. All other names debtor used in the last 8 years

Include any assumed names, trade names, and *doing business as* names

3. Debtor's federal Employer Identification Number (EIN)

81-1559151

4. Debtor's address

Principal place of business

Mailing address, if different from principal place of business

1395A Commerce Way

Number Street

Number Street

Attleboro MA 02703

City State ZIP Code

City State ZIP Code

Bristol County

County

Location of principal assets, if different from principal place of business

Number Street

City State ZIP Code

5. Debtor's website (URL)

6. Type of debtor

 Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP)) Partnership (excluding LLP) Other. Specify: _____

Debtor	NESV Hotel, LLC Name _____		Case number (if known) _____
7. Describe debtor's business			
<p>A. Check one:</p> <p><input type="checkbox"/> Health Care Business (as defined in 11 U.S.C. § 101(27A)) <input checked="" type="checkbox"/> Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B)) <input type="checkbox"/> Railroad (as defined in 11 U.S.C. § 101(44)) <input type="checkbox"/> Stockbroker (as defined in 11 U.S.C. § 101(53A)) <input type="checkbox"/> Commodity Broker (as defined in 11 U.S.C. § 101(6)) <input type="checkbox"/> Clearing Bank (as defined in 11 U.S.C. § 781(3)) <input type="checkbox"/> None of the above</p>			
<p>B. Check all that apply:</p> <p><input type="checkbox"/> Tax-exempt entity (as described in 26 U.S.C. § 501) <input type="checkbox"/> Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3) <input type="checkbox"/> Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))</p>			
<p>C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See http://www.naics.com/search/.</p> <p style="text-align: center;"><u>5313</u></p>			
<p>8. Under which chapter of the Bankruptcy Code is the debtor filing?</p> <p>Check one:</p> <p><input type="checkbox"/> Chapter 7 <input type="checkbox"/> Chapter 9 <input checked="" type="checkbox"/> Chapter 11. Check all that apply:</p>			
<p><input type="checkbox"/> The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).</p> <p><input type="checkbox"/> The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, and it chooses to proceed under Subchapter V of Chapter 11. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).</p> <p><input type="checkbox"/> A plan is being filed with this petition.</p> <p><input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).</p> <p><input type="checkbox"/> The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the <i>Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11</i> (Official Form 201A) with this form.</p> <p><input type="checkbox"/> The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.</p> <p><input type="checkbox"/> Chapter 12</p>			
<p>9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?</p> <p>If more than 2 cases, attach a separate list.</p> <p><input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. District _____ When _____ Case number _____ MM / DD / YYYY</p> <p>District _____ When _____ Case number _____ MM / DD / YYYY</p>			
<p>10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?</p> <p>List all cases. If more than 1, attach a separate list.</p> <p><input type="checkbox"/> No <input checked="" type="checkbox"/> Yes. Debtor <u>NESV Land East, LLC</u> Relationship <u>Affiliate</u> District <u>District of Massachusetts</u> When <u>08/26/2021</u> MM / DD / YYYY Case number, if known _____</p>			

Debtor NESV Hotel, LLC _____ Case number (if known) _____

11. Why is the case filed in this district? Check all that apply:

Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.

A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

No

Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.
What is the hazard? _____

It needs to be physically secured or protected from the weather.

It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

Other _____

Where is the property? _____
Number _____ Street _____

City _____ State _____ ZIP Code _____

Is the property insured?

No

Yes. Insurance agency _____

Contact name _____

Phone _____

Statistical and administrative information

13. Debtor's estimation of available funds Check one:

Funds will be available for distribution to unsecured creditors.

After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.

14. Estimated number of creditors

<input checked="" type="checkbox"/> 1-49	<input type="checkbox"/> 1,000-5,000	<input type="checkbox"/> 25,001-50,000
<input type="checkbox"/> 50-99	<input type="checkbox"/> 5,001-10,000	<input type="checkbox"/> 50,001-100,000
<input type="checkbox"/> 100-199	<input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> More than 100,000
<input type="checkbox"/> 200-999		

15. Estimated assets

<input type="checkbox"/> \$0-\$50,000	<input checked="" type="checkbox"/> \$1,000,001-\$10 million	<input type="checkbox"/> \$500,000,001-\$1 billion
<input type="checkbox"/> \$50,001-\$100,000	<input type="checkbox"/> \$10,000,001-\$50 million	<input type="checkbox"/> \$1,000,000,001-\$10 billion
<input type="checkbox"/> \$100,001-\$500,000	<input type="checkbox"/> \$50,000,001-\$100 million	<input type="checkbox"/> \$10,000,000,001-\$50 billion
<input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> More than \$50 billion

Debtor	NESV Hotel, LLC Name	Case number (if known)	
16. Estimated liabilities	<input type="checkbox"/> \$0-\$50,000 <input type="checkbox"/> \$50,001-\$100,000 <input type="checkbox"/> \$100,001-\$500,000 <input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$1,000,001-\$10 million <input checked="" type="checkbox"/> \$10,000,001-\$50 million <input type="checkbox"/> \$50,000,001-\$100 million <input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> \$500,000,001-\$1 billion <input type="checkbox"/> \$1,000,000,001-\$10 billion <input type="checkbox"/> \$10,000,000,001-\$50 billion <input type="checkbox"/> More than \$50 billion

Request for Relief, Declaration, and Signatures

WARNING -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

17. Declaration and signature of authorized representative of debtor The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 08/26/2021
MM / DD / YYYY

/s/ Stuart Silberberg

Signature of authorized representative of debtor

Stuart Silberberg

Printed name

Title Manager

18. Signature of attorney

/s/ William McMahon

Signature of attorney for debtor

Date 08/26/2021

MM / DD / YYYY

William McMahon

Printed name

Downes McMahon LLP

Firm name

215 Lewis Wharf

Number Street

Boston

City

MA

02110

State

ZIP Code

6176006430

Contact phone

wmcmahon@dmlawllp.com

Email address

651832

Bar number

MA

State

Debtor	NESV Hotel, LLC Name			Case number (if known)
16. Estimated liabilities		<input type="checkbox"/> \$0-\$50,000 <input type="checkbox"/> \$1,000,001-\$10 million <input type="checkbox"/> \$50,001-\$100,000 <input checked="" type="checkbox"/> \$10,000,001-\$50 million <input type="checkbox"/> \$100,001-\$500,000 <input type="checkbox"/> \$50,000,001-\$100 million <input type="checkbox"/> \$500,001-\$1 million <input type="checkbox"/> \$100,000,001-\$500 million		<input type="checkbox"/> \$500,000,001-\$1 billion <input type="checkbox"/> \$1,000,000,001-\$10 billion <input type="checkbox"/> \$10,000,000,001-\$50 billion <input type="checkbox"/> More than \$50 billion

Request for Relief, Declaration, and Signatures

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17. Declaration and signature of authorized representative of debtor

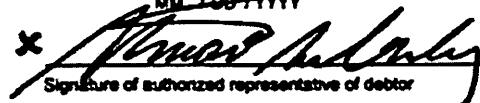
The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 08/26/2021
MM / DD / YYYY


Signature of authorized representative of debtor

Stuart Silberberg

Printed name

Title Manager

18. Signature of attorney



Signature of attorney for debtor

Date

MM / DD / YYYY

William McMahon

Printed name

Downes McMahon LLP

Firm name

215 Lewis Wharf

Number Street

Boston

City

6176006430

Contact phone

MA

State

02110

ZIP Code

wmcmahon@dmlawllp.com

Email address

651832

Bar number

MA

State

Debtor

First Name Middle Name Last Name

Case number (if known) _____

Continuation Sheet for Official Form 201

10) Pending Bankruptcies

NESV Tennis, LLC	District of Massachusetts	08/26/2021
NESV Field, LLC	District of Massachusetts	08/26/2021
NESV Ice, LLC	District of Massachusetts	08/26/2021
NESV Swim, LLC	District of Massachusetts	08/26/2021
NESV Land, LLC	District of Massachusetts	08/26/2021

Fill in this information to identify the case:

Debtor name NESV Hotel, LLC

United States Bankruptcy Court for the: District of Massachusetts

Case number (if known): _____

Check if this is an amended filing

Official Form 204

Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1	City of Attleboro 77 Park Street Attleboro, MA, 02703	City Treasurer	Taxes & Other Government Units				5,858.22
2							
3							
4							
5							
6							
7							
8							

Debtor NESV Hotel, LLC _____ Case number (*if known*) _____

Name _____

Name of creditor and complete mailing address, including zip code		Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim If the claim is fully unsecured, fill in only unsecured claim amount. If claim is partially secured, fill in total claim amount and deduction for value of collateral or setoff to calculate unsecured claim.		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							

Fill in this information to identify the case and this filing:

Debtor Name NESV Hotel, LLC
United States Bankruptcy Court for the District of Massachusetts
Case number (if known) _____

Official Form 202

Declaration Under Penalty of Perjury for Non-Individual Debtors

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

WARNING – Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

Declaration and signature

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- Schedule A/B: Assets—Real and Personal Property (Official Form 206A/B)
- Schedule D: Creditors Who Have Claims Secured by Property (Official Form 206D)
- Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 206E/F)
- Schedule G: Executory Contracts and Unexpired Leases (Official Form 206G)
- Schedule H: Codebtors (Official Form 206H)
- Summary of Assets and Liabilities for Non-Individuals (Official Form 206Sum)
- Amended Schedule _____
- Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders (Official Form 204)
- Other document that requires a declaration _____

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 08/26/2021
MM/DD/YYYY


Signature of individual signing on behalf of debtor

Stuart Silberberg

Printed name

Manager

Position or relationship to debtor

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
(EASTERN DIVISION)

In re:

NESV Ice, LLC

Debtor.

In re:

NESV Swim, LLC

Debtor.

In re:

NESV Tennis, LLC

Debtor.

In re:

NESV Land East, LLC

Debtor.

In re:

NESV Field, LLC

Debtor.

In re:

NESV Hotel, LLC

Debtor.

In re:

NESV Land, LLC

Debtor.

Chapter 11
Case No. 21-

DECLARATION RE: ELECTRONIC FILING

I, Stuart Silberberg, hereby declare under penalty of perjury that all of the information contained in the Voluntary Petitions, the Declarations Under Penalty

of Perjury for Non-Individual Debtors, the Affidavit of Stuart Silberberg in Support of First Day Motions and Applications and the Verification of Creditor Matrix (each, a "Document," and together, the "Documents"), filed electronically in each of the above-captioned cases, are true and correct. I understand that this DECLARATION is to be filed with the Clerk of Court electronically concurrently with the electronic filing of the Documents. I understand that failure to file this DECLARATION may cause the Documents to be struck and any request contained or relying thereon to be denied, without further notice.

I further understand that, pursuant to the Massachusetts Electronic Filing Local Rule (MEFR) 7(b), all paper documents containing original signatures executed under the penalties of perjury and filed electronically with the Court are the property of the bankruptcy estate and shall be maintained by the authorized CM/ECF Registered User for a period of five (5) years after the closing of this case.

Dated: August 26, 2021



(Affiant)

PART II - DECLARATION OF ATTORNEY

I certify that the affiant(s) signed this form before I submitted the Documents, I gave the affiant(s) a copy of the Documents and this DECLARATION, and I have followed all other electronic filing requirements currently established by local rule and standing order. This DECLARATION is based on all information of which I have knowledge and my signature below constitutes my certification of the foregoing under Fed. R. Bankr. P. 9011. I have reviewed and will comply with the provisions of MEFR 7.

Dated: August 26, 2021

Signed: /s/ Joseph M. Downes III
(Attorney for Affiant)

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF Massachusetts**

In re NESV Hotel, LLC

Case No. _____
Chapter 11

(Debtor(s))

CORPORATE OWNERSHIP STATEMENT (RULE 7007.1)

Pursuant to Federal Rule of Bankruptcy Procedure 7007.1 and to enable the Judges to evaluate possible disqualification or recusal, the undersigned counsel for NESV Hotel, LLC

in the above captioned action, certifies that the following is a (are) corporation(s), other than the debtor or a governmental unit, that directly or indirectly own(s) 10% or more of any class of the corporation(s') equity interests, or states that there are no entities to report under FRBP 7007:



Ajax 5Cap NESV, LLC

08/26/2021

Date

William McMahon

Statement of attorney or Litigant

**United States Bankruptcy Court
District of Massachusetts**

In re: NESV Hotel, LLC

Case No.

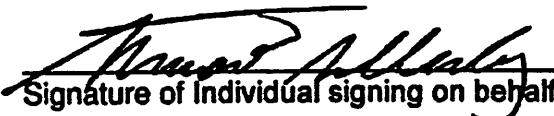
Debtor(s)

Chapter 11

Verification of Creditor Matrix

The above-named Debtor(s) hereby verify that the attached list of creditors is true and correct to the best of their knowledge.

Date: 08/26/2021


Plaintiff Attorney
Signature of individual signing on behalf of debtor

Manager

Position or relationship to debtor

Ajax 5Cap NESV, LLC
1395A Commerce Way
Attleboro
MA 02703

Ashcroft Sullivan Sports Village Lender, LLC
200 State Street
7th Floor
Boston, MA 02109

City of Attleboro
77 Park Street
Attleboro, MA 02703

SHS ACK, LLC
c/o Curran Antonelli, LLP
10 Post Office Square, Suite 800 South
Boston, MA 02109

**WRITTEN CONSENT OF SOLE MEMBER AND
MANAGER OF NESV HOTEL, LLC**

The undersigned, being the sole Member and sole Manager of NESV Hotel, LLC (the "Company") do hereby approve, consent to and take the following actions pursuant to the NESV Hotel, LLC Operating Agreement (the "Operating Agreement"):

VOTED: that the Company shall file a petition for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Massachusetts;

VOTED: that Stuart Silberberg (the "Authorized Manager") is hereby authorized (i) to prepare and file on behalf of the Company a petition for relief under Chapter 11 of the Bankruptcy Code; (ii) to execute on behalf of the Company such petition, schedules and statements as the Authorized Manager may deem necessary or appropriate in connection with such bankruptcy filing; (iii) to take such steps on behalf of the Company as may be necessary or appropriate for the Company's bankruptcy case; and (iv) to execute such other further documents, agreements or instruments and take such further actions as the Authorized Manager may deem necessary or appropriate with respect to the foregoing;

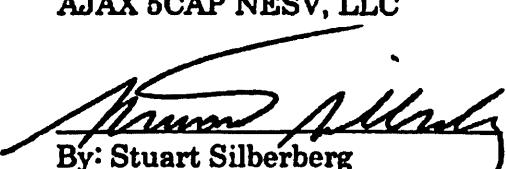
VOTED: that the retention of the law firm Downes McMahon LLP as bankruptcy counsel to the Company is hereby ratified and confirmed; and

VOTED, that this written Consent be filed with the other written records of consensus, votes, consents, approvals meeting minutes or other proceedings of the Member and of the Company kept pursuant to the Operating Agreement.

Executed as of August 26, 2021.

Member:

AJAX 5CAP NESV, LLC


By: Stuart Silberberg
Its: Manager

Manager:

STUART SILBERBERG

